

**LICENSING OF ELEVATOR CONTRACTORS  
AND ELEVATOR MECHANICS**

2010 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill provides for the licensing of elevator contractors and elevator mechanics in Chapter 55 of Title 58, Utah Construction Trades Licensing Act.

**Highlighted Provisions:**

This bill:

- ▶ provides for the licensing of elevator contractors and elevator mechanics by the Division of Occupational and Professional Licensing;
- ▶ provides qualifications for licensure of an elevator contractor and elevator mechanic;
- ▶ provides for an emergency temporary elevator mechanic license; and
- ▶ provides a continuing education requirement.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-55-102**, as last amended by Laws of Utah 2008, Chapter 215

**58-55-301**, as last amended by Laws of Utah 2008, Chapter 215

**58-55-302**, as last amended by Laws of Utah 2009, Chapter 183

**58-55-303**, as last amended by Laws of Utah 2001, Chapter 198

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-55-102** is amended to read:

**58-55-102. Definitions.**

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) (a) "Alarm business or company" means a person engaged in the sale, installation, maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system, except as provided in Subsection (1)(b).

(b) "Alarm business or company" does not include:

(i) a person engaged in the manufacture and sale of alarm systems when that person is not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or monitoring of alarm systems, and the manufacture or sale occurs only at a place of business established by the person engaged in the manufacture or sale and does not involve site visits at the place or intended place of installation of an alarm system; or

(ii) an owner of an alarm system, or an employee of the owner of an alarm system who is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring of the alarm system owned by that owner.

(2) "Alarm company agent" means any individual employed within this state by a person engaged in the alarm business.

(3) "Alarm system" means equipment and devices assembled for the purpose of:

(a) detecting and signaling unauthorized intrusion or entry into or onto certain premises; or

(b) signaling a robbery or attempted robbery on protected premises.

(4) "Apprentice electrician" means a person licensed under this chapter as an apprentice electrician who is learning the electrical trade under approved supervision of a master electrician, residential master electrician, a journeyman electrician, or a residential journeyman electrician.

(5) "Apprentice plumber" means a person licensed under this chapter as an apprentice plumber who is learning the plumbing trade under approved supervision of a master plumber, residential master plumber, journeyman plumber, or a residential journeyman plumber.

(6) "Approved supervision" means the immediate supervision of apprentices by qualified licensed electricians or plumbers as a part of a planned program of training.

(7) "Board" means the Electrician Licensing Board, Alarm System Security and Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

(8) "Combustion system" means an assembly consisting of:

(a) piping and components with a means for conveying, either continuously or intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the appliance;

(b) the electric control and combustion air supply and venting systems, including air ducts; and

(c) components intended to achieve control of quantity, flow, and pressure.

(9) "Commission" means the Construction Services Commission created under Section 58-55-103.

(10) "Construction trade" means any trade or occupation involving:

(a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property; and

(ii) constructing, remodeling, or repairing a manufactured home or mobile home as defined in Section 58-56-3; or

(b) installation or repair of a residential or commercial natural gas appliance or combustion system.

(11) "Construction trades instructor" means a person licensed under this chapter to teach one or more construction trades in both a classroom and project environment, where a project is intended for sale to or use by the public and is completed under the direction of the instructor, who has no economic interest in the project.

(12) (a) "Contractor" means any person who for compensation other than wages as an employee undertakes any work in the construction, plumbing, or electrical trade for which licensure is required under this chapter and includes:

(i) a person who builds any structure on his own property for the purpose of sale or who builds any structure intended for public use on his own property;

(ii) any person who represents himself to be a contractor by advertising or any other means;

(iii) any person engaged as a maintenance person, other than an employee, who regularly engages in activities set forth under the definition of "construction trade";

(iv) any person engaged in any construction trade for which licensure is required under this chapter; or

(v) a construction manager who performs management and counseling services on a construction project for a fee.

(b) "Contractor" does not include an alarm company or alarm company agent.

(13) (a) "Electrical trade" means the performance of any electrical work involved in the installation, construction, alteration, change, repair, removal, or maintenance of facilities, buildings, or appendages or appurtenances.

(b) "Electrical trade" does not include:

(i) transporting or handling electrical materials;

(ii) preparing clearance for raceways for wiring; or

(iii) work commonly done by unskilled labor on any installations under the exclusive control of electrical utilities.

(c) For purposes of Subsection (13)(b):

(i) no more than one unlicensed person may be so employed unless more than five licensed electricians are employed by the shop; and

(ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio permitted by this Subsection (13)(c).

(14) "Elevator" has the same meaning as defined in Section 34A-7-202.

(15) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under this chapter that is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator.

(16) "Elevator mechanic" means an individual who is licensed under this chapter as an elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

~~[(14)]~~ (17) "Employee" means an individual as defined by the division by rule giving consideration to the definition adopted by the Internal Revenue Service and the Department of Workforce Services.

~~[(15)]~~ (18) "Engage in a construction trade" means to:

(a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged in a construction trade; or

(b) use the name "contractor" or "builder" or in any other way lead a reasonable person to believe one is or will act as a contractor.

125           ~~[(16)]~~ (19) (a) "Financial responsibility" means a demonstration of a current and  
126 expected future condition of financial solvency evidencing a reasonable expectation to the  
127 division and the board that an applicant or licensee can successfully engage in business as a  
128 contractor without jeopardy to the public health, safety, and welfare.

129           (b) Financial responsibility may be determined by an evaluation of the total history  
130 concerning the licensee or applicant including past, present, and expected condition and record  
131 of financial solvency and business conduct.

132           ~~[(17)]~~ (20) "Gas appliance" means any device that uses natural gas to produce light,  
133 heat, power, steam, hot water, refrigeration, or air conditioning.

134           ~~[(18)]~~ (21) (a) "General building contractor" means a person licensed under this  
135 chapter as a general building contractor qualified by education, training, experience, and  
136 knowledge to perform or superintend construction of structures for the support, shelter, and  
137 enclosure of persons, animals, chattels, or movable property of any kind or any of the  
138 components of that construction except plumbing, electrical work, mechanical work, and  
139 manufactured housing installation, for which the general building contractor shall employ the  
140 services of a contractor licensed in the particular specialty, except that a general building  
141 contractor engaged in the construction of single-family and multifamily residences up to four  
142 units may perform the mechanical work and hire a licensed plumber or electrician as an  
143 employee.

144           (b) The division may by rule exclude general building contractors from engaging in the  
145 performance of other construction specialties in which there is represented a substantial risk to  
146 the public health, safety, and welfare, and for which a license is required unless that general  
147 building contractor holds a valid license in that specialty classification.

148           ~~[(19)]~~ (22) (a) "General engineering contractor" means a person licensed under this  
149 chapter as a general engineering contractor qualified by education, training, experience, and  
150 knowledge to perform construction of fixed works in any of the following: irrigation, drainage,  
151 water, power, water supply, flood control, inland waterways, harbors, railroads, highways,  
152 tunnels, airports and runways, sewers and bridges, refineries, pipelines, chemical and industrial  
153 plants requiring specialized engineering knowledge and skill, piers, and foundations, or any of  
154 the components of those works.

155           (b) A general engineering contractor may not perform construction of structures built

156 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

157 ~~[(20)]~~ (23) "Immediate supervision" means reasonable direction, oversight, inspection,  
158 and evaluation of the work of a person, in or out of the immediate presence of the supervising  
159 person, so as to ensure that the end result complies with applicable standards.

160 ~~[(21)]~~ (24) "Individual" means a natural person.

161 ~~[(22)]~~ (25) "Journeyman electrician" means a person licensed under this chapter as a  
162 journeyman electrician having the qualifications, training, experience, and knowledge to wire,  
163 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

164 ~~[(23)]~~ (26) "Journeyman plumber" means a person licensed under this chapter as a  
165 journeyman plumber having the qualifications, training, experience, and technical knowledge  
166 to engage in the plumbing trade.

167 ~~[(24)]~~ (27) "Master electrician" means a person licensed under this chapter as a master  
168 electrician having the qualifications, training, experience, and knowledge to properly plan,  
169 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment  
170 for light, heat, power, and other purposes.

171 ~~[(25)]~~ (28) "Master plumber" means a person licensed under this chapter as a master  
172 plumber having the qualifications, training, experience, and knowledge to properly plan and  
173 layout projects and supervise persons in the plumbing trade.

174 ~~[(26)]~~ (29) "Person" means a natural person, sole proprietorship, joint venture,  
175 corporation, limited liability company, association, or organization of any type.

176 ~~[(27)]~~ (30) (a) "Plumbing trade" means the performance of any mechanical work  
177 pertaining to the installation, alteration, change, repair, removal, maintenance, or use in  
178 buildings, or within three feet beyond the outside walls of buildings of pipes, fixtures, and  
179 fittings for:

180 (i) delivery of the water supply;

181 (ii) discharge of liquid and water carried waste; or

182 (iii) the building drainage system within the walls of the building.

183 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,  
184 fixtures and fixture traps, soil, waste and vent pipes, and the building drain and roof drains  
185 together with their devices, appurtenances, and connections where installed within the outside  
186 walls of the building.

187           ~~[(28)]~~ (31) (a) "Ratio of apprentices" means, for the purpose of determining  
188 compliance with the requirements for planned programs of training and electrician apprentice  
189 licensing applications, the shop ratio of apprentice electricians to journeyman or master  
190 electricians shall be one journeyman or master electrician to one apprentice on industrial and  
191 commercial work, and one journeyman or master electrician to three apprentices on residential  
192 work.

193           (b) On-the-job training shall be under circumstances in which the ratio of apprentices  
194 to supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to  
195 three apprentices to one supervisor on residential projects.

196           ~~[(29)]~~ (32) "Residential and small commercial contractor" means a person licensed  
197 under this chapter as a residential and small commercial contractor qualified by education,  
198 training, experience, and knowledge to perform or superintend the construction of  
199 single-family residences, multifamily residences up to four units, and commercial construction  
200 of not more than three stories above ground and not more than 20,000 square feet, or any of the  
201 components of that construction except plumbing, electrical work, mechanical work, and  
202 manufactured housing installation, for which the residential and small commercial contractor  
203 shall employ the services of a contractor licensed in the particular specialty, except that a  
204 residential and small commercial contractor engaged in the construction of single-family and  
205 multifamily residences up to four units may perform the mechanical work and hire a licensed  
206 plumber or electrician as an employee.

207           ~~[(30)]~~ (33) "Residential building," as it relates to the license classification of residential  
208 journeyman plumber and residential master plumber, means a single or multiple family  
209 dwelling of up to four units.

210           ~~[(31)]~~ (34) "Residential journeyman electrician" means a person licensed under this  
211 chapter as a residential journeyman electrician having the qualifications, training, experience,  
212 and knowledge to wire, install, and repair electrical apparatus and equipment for light, heat,  
213 power, and other purposes on buildings using primarily nonmetallic sheath cable.

214           ~~[(32)]~~ (35) "Residential journeyman plumber" means a person licensed under this  
215 chapter as a residential journeyman plumber having the qualifications, training, experience, and  
216 knowledge to engage in the plumbing trade as limited to the plumbing of residential buildings.

217           ~~[(33)]~~ (36) "Residential master electrician" means a person licensed under this chapter

as a residential master electrician having the qualifications, training, experience, and knowledge to properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment for light, heat, power, and other purposes on residential projects.

~~[(34)]~~ (37) "Residential master plumber" means a person licensed under this chapter as a residential master plumber having the qualifications, training, experience, and knowledge to properly plan and layout projects and supervise persons in the plumbing trade as limited to the plumbing of residential buildings.

~~[(35)]~~ (38) "Residential project," as it relates to an electrician or electrical contractor, means buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules and regulations governing this work, including the National Electrical Code, and in which the voltage does not exceed 250 volts line to line and 125 volts to ground.

~~[(36)]~~ (39) (a) "Specialty contractor" means a person licensed under this chapter under a specialty contractor classification established by rule, who is qualified by education, training, experience, and knowledge to perform those construction trades and crafts requiring specialized skill, the regulation of which are determined by the division to be in the best interest of the public health, safety, and welfare.

(b) A specialty contractor may perform work in crafts or trades other than those in which he is licensed if they are incidental to the performance of his licensed craft or trade.

~~[(37)]~~ (40) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

~~[(38)]~~ (41) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502 and as may be further defined by rule.

~~[(39)]~~ (42) "Wages" means amounts due to an employee for labor or services whether the amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating the amount.

Section 2. Section **58-55-301** is amended to read:

**58-55-301. License required -- License classifications.**

(1) (a) A person engaged in the construction trades licensed under this chapter, as a contractor regulated under this chapter, as an alarm business or company, or as an alarm company agent, shall become licensed under this chapter before engaging in that trade or contracting activity in this state unless specifically exempted from licensure under Section

249 58-1-307 or 58-55-305.

250 (b) The license issued under this chapter and the business license issued by the local  
251 jurisdiction in which the licensee has its principal place of business shall be the only licenses  
252 required for the licensee to engage in a trade licensed by this chapter, within the state.

253 (c) Neither the state nor any of its political subdivisions may require of a licensee any  
254 additional business licenses, registrations, certifications, contributions, donations, or anything  
255 else established for the purpose of qualifying a licensee under this chapter to do business in that  
256 local jurisdiction, except for contract prequalification procedures required by state agencies, or  
257 the payment of any fee for the license, registration, or certification established as a condition to  
258 do business in that local jurisdiction.

259 (2) The division shall issue licenses under this chapter to qualified persons in the  
260 following classifications:

- 261 (a) general engineering contractor;
- 262 (b) general building contractor;
- 263 (c) residential and small commercial contractor;
- 264 (d) elevator contractor;
- 265 ~~[(d)]~~ (e) specialty contractor;
- 266 ~~[(e)]~~ (f) master plumber;
- 267 ~~[(f)]~~ (g) residential master plumber;
- 268 ~~[(g)]~~ (h) journeyman plumber;
- 269 ~~[(h)]~~ (i) apprentice plumber;
- 270 ~~[(i)]~~ (j) residential journeyman plumber;
- 271 ~~[(j)]~~ (k) master electrician;
- 272 ~~[(k)]~~ (l) residential master electrician;
- 273 ~~[(l)]~~ (m) journeyman electrician;
- 274 ~~[(m)]~~ (n) residential journeyman electrician;
- 275 ~~[(n)]~~ (o) apprentice electrician;
- 276 ~~[(o)]~~ (p) construction trades instructor:
- 277 (i) general engineering classification;
- 278 (ii) general building classification;
- 279 (iii) electrical classification;

(iv) plumbing classification; and

(v) mechanical classification;

~~[(p)]~~ (q) alarm company; ~~[and]~~

~~[(q)]~~ (r) alarm company agent[-]; and

(s) elevator mechanic.

(3) (a) An applicant may apply for a license in one or more classification or specialty contractor subclassification.

(b) A license shall be granted in each classification or subclassification for which the applicant qualifies.

(c) A separate application and fee must be submitted for each license classification or subclassification.

Section 3. Section **58-55-302** is amended to read:

**58-55-302. Qualifications for licensure.**

(1) Each applicant for a license under this chapter shall:

(a) submit an application prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;

(c) (i) meet the examination requirements established by rule by the commission with the concurrence of the director, except for the classifications of apprentice plumber and apprentice electrician for whom no examination is required; or

(ii) if required in Section 58-55-304, the individual qualifier must pass the required examination if the applicant is a business entity;

(d) if an apprentice, identify the proposed supervisor of the apprenticeship;

(e) if an applicant for a contractor's license:

(i) produce satisfactory evidence of financial responsibility, except for a construction trades instructor for whom evidence of financial responsibility is not required;

(ii) produce satisfactory evidence of knowledge and experience in the construction industry and knowledge of the principles of the conduct of business as a contractor, reasonably necessary for the protection of the public health, safety, and welfare; and

(iii) be a licensed master electrician if an applicant for an electrical contractor's license or a licensed master residential electrician if an applicant for a residential electrical contractor's license; ~~[or]~~

(iv) be a licensed master plumber if an applicant for a plumbing contractor's license or a licensed master residential plumber if an applicant for a residential plumbing contractor's license; ~~and~~ or

(v) be a licensed elevator mechanic and produce satisfactory evidence of three years experience as a licensed elevator mechanic if an applicant for an elevator contractor's license; and

(f) if an applicant for a construction trades instructor license, satisfy any additional requirements established by rule.

(2) After approval of an applicant for a contractor's license by the applicable board and the division, the applicant shall file the following with the division before the division issues the license:

(a) proof of workers' compensation insurance which covers employees of the applicant in accordance with applicable Utah law;

(b) proof of public liability insurance in coverage amounts and form established by rule except for a construction trades instructor for whom public liability insurance is not required; and

(c) proof of registration as required by applicable law with the:

(i) Utah Department of Commerce;

(ii) Division of Corporations and Commercial Code;

(iii) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;

(iv) State Tax Commission; and

(v) Internal Revenue Service.

(3) In addition to the general requirements for each applicant in Subsection (1), applicants shall comply with the following requirements to be licensed in the following classifications:

(a) (i) A master plumber shall produce satisfactory evidence that the applicant:

(A) has been a licensed journeyman plumber for at least two years and had two years of supervisory experience as a licensed journeyman plumber in accordance with division rule;

(B) has received at least an associate of applied science degree or similar degree following the completion of a course of study approved by the division and had one year of

supervisory experience as a licensed journeyman plumber in accordance with division rule; or  
(C) meets the qualifications determined by the division in collaboration with the board  
to be equivalent to Subsection (3)(a)(i)(A) or (B).

(ii) An individual holding a valid Utah license as a journeyman plumber, based on at  
least four years of practical experience as a licensed apprentice under the supervision of a  
licensed journeyman plumber and four years as a licensed journeyman plumber, in effect  
immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current  
master plumber license under this chapter, and satisfies the requirements of this Subsection  
(3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

(iii) An individual holding a valid plumbing contractor's license or residential  
plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,  
2008:

(A) considered to hold a current master plumber license under this chapter if licensed  
as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this  
Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section  
58-55-303; and

(B) considered to hold a current residential master plumber license under this chapter if  
licensed as a residential plumbing contractor and a residential journeyman plumber, and  
satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of  
that license under Section 58-55-303.

(b) A master residential plumber applicant shall produce satisfactory evidence that the  
applicant:

(i) has been a licensed residential journeyman plumber for at least two years and had  
two years of supervisory experience as a licensed residential journeyman plumber in  
accordance with division rule; or

(ii) meets the qualifications determined by the division in collaboration with the board  
to be equivalent to Subsection (3)(b)(i).

(c) A journeyman plumber applicant shall produce satisfactory evidence of:

(i) successful completion of the equivalent of at least four years of full-time training  
and instruction as a licensed apprentice plumber under supervision of a licensed master  
plumber or journeyman plumber and in accordance with a planned program of training

373 approved by the division;

374 (ii) at least eight years of full-time experience approved by the division in collaboration  
375 with the Plumbers Licensing Board; or

376 (iii) satisfactory evidence of meeting the qualifications determined by the board to be  
377 equivalent to Subsection (3)(c)(i) or (c)(ii).

378 (d) A residential journeyman plumber shall produce satisfactory evidence of:

379 (i) completion of the equivalent of at least three years of full-time training and  
380 instruction as a licensed apprentice plumber under the supervision of a licensed residential  
381 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in  
382 accordance with a planned program of training approved by the division;

383 (ii) completion of at least six years of full-time experience in a maintenance or repair  
384 trade involving substantial plumbing work; or

385 (iii) meeting the qualifications determined by the board to be equivalent to Subsection  
386 (3)(d)(i) or (d)(ii).

387 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be  
388 in accordance with the following:

389 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be  
390 under the immediate supervision of a licensed master plumber, licensed residential master  
391 plumber, licensed journeyman plumber, or a licensed residential journeyman plumber; and

392 (ii) a licensed apprentice plumber in the fourth through tenth year of training may work  
393 without supervision for a period not to exceed eight hours in any 24-hour period, but if the  
394 apprentice does not become a licensed journeyman plumber or licensed residential journeyman  
395 plumber by the end of the tenth year of apprenticeship, this nonsupervision provision no longer  
396 applies.

397 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:

398 (i) is a graduate electrical engineer of an accredited college or university approved by  
399 the division and has one year of practical electrical experience as a licensed apprentice  
400 electrician;

401 (ii) is a graduate of an electrical trade school, having received an associate of applied  
402 sciences degree following successful completion of a course of study approved by the division,  
403 and has two years of practical experience as a licensed journeyman electrician;

404 (iii) has four years of practical experience as a journeyman electrician; or  
405 (iv) meets the qualifications determined by the board to be equivalent to Subsection  
406 (3)(f)(i), (ii), or (iii).

407 (g) A master residential electrician applicant shall produce satisfactory evidence that  
408 the applicant:

409 (i) has at least two years of practical experience as a residential journeyman electrician;  
410 or  
411 (ii) meets the qualifications determined by the board to be equivalent to this practical  
412 experience.

413 (h) A journeyman electrician applicant shall produce satisfactory evidence that the  
414 applicant:

415 (i) has successfully completed at least four years of full-time training and instruction as  
416 a licensed apprentice electrician under the supervision of a master electrician or journeyman  
417 electrician and in accordance with a planned training program approved by the division;  
418 (ii) has at least eight years of full-time experience approved by the division in  
419 collaboration with the Electricians Licensing Board; or  
420 (iii) meets the qualifications determined by the board to be equivalent to Subsection  
421 (3)(h)(i) or (ii).

422 (i) A residential journeyman electrician applicant shall produce satisfactory evidence  
423 that the applicant:

424 (i) has successfully completed two years of training in an electrical training program  
425 approved by the division;  
426 (ii) has four years of practical experience in wiring, installing, and repairing electrical  
427 apparatus and equipment for light, heat, and power under the supervision of a licensed master,  
428 journeyman, residential master, or residential journeyman electrician; or  
429 (iii) meets the qualifications determined by the division and applicable board to be  
430 equivalent to Subsection (3)(i)(i) or (ii).

431 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall  
432 be in accordance with the following:

433 (i) A licensed apprentice electrician shall be under the immediate supervision of a  
434 licensed master, journeyman, residential master, or residential journeyman electrician. An

435 apprentice in the fourth year of training may work without supervision for a period not to  
436 exceed eight hours in any 24-hour period.

437 (ii) A licensed master, journeyman, residential master, or residential journeyman  
438 electrician may have under immediate supervision on a residential project up to three licensed  
439 apprentice electricians.

440 (iii) A licensed master or journeyman electrician may have under immediate  
441 supervision on nonresidential projects only one licensed apprentice electrician.

442 (k) An alarm company applicant shall:

443 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of  
444 the applicant who:

445 (A) demonstrates 6,000 hours of experience in the alarm company business;

446 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm  
447 company business or in a construction business; and

448 (C) passes an examination component established by rule by the commission with the  
449 concurrence of the director;

450 (ii) if a corporation, provide:

451 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards  
452 of all corporate officers, directors, and those responsible management personnel employed  
453 within the state or having direct responsibility for managing operations of the applicant within  
454 the state; and

455 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards  
456 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this  
457 shall not be required if the stock is publicly listed and traded;

458 (iii) if a limited liability company, provide:

459 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards  
460 of all company officers, and those responsible management personnel employed within the  
461 state or having direct responsibility for managing operations of the applicant within the state;  
462 and

463 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards  
464 of all individuals owning 5% or more of the equity of the company;

465 (iv) if a partnership, the names, addresses, dates of birth, Social Security numbers, and

fingerprint cards of all general partners, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state;

(v) if a proprietorship, the names, addresses, dates of birth, Social Security numbers, and fingerprint cards of the proprietor, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state;

(vi) be of good moral character in that officers, directors, shareholders described in Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of an alarm company is considered by the board to indicate that the best interests of the public are served by granting the applicant a license;

(vii) document that none of the applicant's officers, directors, shareholders described in Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;

(viii) document that none of the applicant's officers, directors, shareholders described in Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel are currently suffering from habitual drunkenness or from drug addiction or dependence;

(ix) file and maintain with the division evidence of:

(A) comprehensive general liability insurance in form and in amounts to be established by rule by the commission with the concurrence of the director;

(B) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law; and

(C) registration as is required by applicable law with the:

(I) Division of Corporations and Commercial Code;

(II) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;

(III) State Tax Commission; and

(IV) Internal Revenue Service; and

497 (x) meet with the division and board.

498 (l) Each applicant for licensure as an alarm company agent shall:

499 (i) submit an application in a form prescribed by the division accompanied by

500 fingerprint cards;

501 (ii) pay a fee determined by the department under Section 63J-1-504;

502 (iii) be of good moral character in that the applicant has not been convicted of a felony,

503 a misdemeanor involving moral turpitude, or any other crime that when considered with the

504 duties and responsibilities of an alarm company agent is considered by the board to indicate

505 that the best interests of the public are served by granting the applicant a license;

506 (iv) not have been declared by any court of competent jurisdiction incompetent by

507 reason of mental defect or disease and not been restored;

508 (v) not be currently suffering from habitual drunkenness or from drug addiction or

509 dependence; and

510 (vi) meet with the division and board if requested by the division or the board.

511 (m) (i) Each applicant for licensure as an elevator mechanic shall:

512 (A) provide documentation of experience and education credits of not less than three

513 years work experience in the elevator industry, in construction, maintenance, or service and

514 repair; and

515 (B) satisfactorily complete a written examination administered by the division

516 established by rule under Section 58-1-203; or

517 (C) provide certificates of completion of an apprenticeship program for elevator

518 mechanics, having standards substantially equal to those of this chapter and registered with the

519 United States Department of Labor Bureau Apprenticeship and Training or a state

520 apprenticeship council.

521 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed

522 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,

523 repairing, or maintaining an elevator, the contractor may:

524 (I) notify the division of the unavailability of licensed personnel; and

525 (II) request the division issue a temporary elevator mechanic license to an individual

526 certified by the contractor as having an acceptable combination of documented experience and

527 education to perform the work described in Subsection (3)(m)(ii)(A).

(B) (I) The division may issue a temporary elevator mechanic license to an individual certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by the appropriate fee as determined by the department under Section 63J-1-504.

(II) The division shall specify the time period for which the license is valid and may renew the license for an additional time period upon its determination that a shortage of licensed elevator mechanics continues to exist.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing when Federal Bureau of Investigation records shall be checked for applicants as an alarm company or alarm company agent.

(5) To determine if an applicant meets the qualifications of Subsections (3)(k)(vi) and (3)(l)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the Department of Public Safety with the division's request to:

(a) conduct a search of records of the Department of Public Safety for criminal history information relating to each applicant for licensure as an alarm company or alarm company agent and each applicant's officers, directors, shareholders described in Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

(b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant requiring a check of records of the F.B.I. for criminal history information under this section.

(6) The Department of Public Safety shall send to the division:

(a) a written record of criminal history, or certification of no criminal history record, as contained in the records of the Department of Public Safety in a timely manner after receipt of a fingerprint card from the division and a request for review of Department of Public Safety records; and

(b) the results of the F.B.I. review concerning an applicant in a timely manner after receipt of information from the F.B.I.

(7) (a) The division shall charge each applicant for licensure as an alarm company or alarm company agent a fee, in accordance with Section 63J-1-504, equal to the cost of performing the records reviews under this section.

(b) The division shall pay the Department of Public Safety the costs of all records reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews under this section.

(8) Information obtained by the division from the reviews of criminal history records of the Department of Public Safety and the F.B.I. shall be used or disseminated by the division only for the purpose of determining if an applicant for licensure as an alarm company or alarm company agent is qualified for licensure.

(9) (a) An application for licensure under this chapter shall be denied if:

(i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked within one year prior to the date of the applicant's application;

(ii) (A) the applicant is a partnership, corporation, or limited liability company; and

(B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status, performing similar functions, or directly or indirectly controlling the applicant has served in any similar capacity with any person or entity which has had a previous license, which was issued under this chapter, suspended or revoked within one year prior to the date of the applicant's application; or

(iii) (A) the applicant is an individual or sole proprietorship; and

(B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked within one year prior to the date of the applicant's application.

(b) An application for licensure under this chapter shall be reviewed by the appropriate licensing board prior to approval if:

(i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked more than one year prior to the date of the applicant's application;

(ii) (A) the applicant is a partnership, corporation, or limited liability company; and

(B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status, performing similar functions, or directly or indirectly controlling the applicant has served in any similar capacity with any person or entity which has had a previous license, which was issued under this chapter, suspended or revoked more than one year prior to the date of the applicant's application; or

(iii) (A) the applicant is an individual or sole proprietorship; and

(B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked more than one year prior to the date of the applicant's application.

Section 4. Section **58-55-303** is amended to read:

**58-55-303. Term of license -- Expiration -- Renewal.**

(1) (a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycle it administers.

(2) At the time of renewal, the licensee shall show satisfactory evidence of continuing financial responsibility as required under Section 58-55-306.

(3) Each license automatically expires on the expiration date shown on the license unless the licensee renews the license in accordance with Section 58-1-308.

(4) The requirements of Subsection 58-55-302(9) shall also apply to applicants seeking to renew or reinstate a license.

(5) In addition to any other requirements imposed by law, if a license has been suspended or revoked for any reason, the applicant [must]:

(a) shall pay in full all fines imposed by the division[;];

(b) resolve any outstanding citations or disciplinary actions with the division[;];

(c) satisfy any Section 58-55-503 judgment and sentence or nontrial resolution[;];

(d) complete a new financial responsibility review as required under Section 58-55-306, using only titled assets[;]; and

(e) pay in full any reimbursement amount as provided in Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act.

(6) At the time of license renewal, each elevator contract licensee and elevator mechanic licensee shall show satisfactory evidence of having completed eight hours of approved professional education during the last year of a two-year period in accordance with standards defined by rule by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.